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HHC:MM
62-5033-714

November 12, 1928.

Mr. C. E. Brennan,
P. O. Box 1556,
Oklahoma City, Okla. Re: W. K. [BILL] HALE, et al.
Murder of Osage Indians.

Dear Sir:

Reference is made to the report of Special Agent J. R. Burger, dated November 2, 1928, relating to the above entitled matter.

Your attention is invited to the last paragraph of the above mentioned report wherein it is stated that Agent Burger had been reliably informed by Government witnesses and informants that defendant's counsel and others have been quite active in talking with Government witnesses and that during such conversations they would reflect upon the character and reputation of the attorneys and agents representing the Government.

The Bureau believes that it is advisable for Agent Burger to submit a report setting forth the details of the information which he has received, together with the source of such information. It is believed that these matters should be on record in the Bureau's files.

Very truly yours,

Director.

RECEIVED
NOV 12 1928
DEPT. OF JUSTICE

2823

Department of Justice
Bureau of Investigation
Washington, D. C.

October 31, 1929.



MEMORANDUM FOR MR. LUSHING.

Your attention is invited to the Bureau's memorandum dated October 26, 1929, requesting advice as to whether or not an investigation of the jury panel, which will be drawn for the case entitled W. K. HALE, et al, Murder of Osage Indians, should be conducted by the Bureau.

In view of the fact that it appears that this case is set for trial on November 12, 1929, the Bureau would appreciate your advice as to proper action in connection with the request.

Very truly yours,
J. E. Hoover
Director.

Case continued until January - time matters will be given consideration by Lushing

NOV 10 1929
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62-5035-715
BUREAU OF INVESTIGATION

CRIMINAL DIVISION NOV 18 1929 A. M.
DEPT. OF JUSTICE

NOV 1 1929

From

Assistant Attorney General Luhring

to

Official indicated below by check mark

Memorandum



1	Attorney General		
2	12	Director General	
3	13	Assistant to Attorney General	
4	14	Assistant Attorney General Galloway	
5	15	Assistant Attorney General Marshall	
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*Letter Okla. City
11/5/38*

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22-3638-715

November 6, 1928.

RECORDED

NOV 10 1928

Mr. G. E. Broniman,
P. O. Box 1535,
Oklahoma City, Okla.

Re: W. K. HUBB, et al,
Murder of Osage Indians.

Dear Sir:

In connection with your letter dated October 23, 1928, relating to the above entitled matter, you are advised that information has been received from the office of Assistant Attorney General Lehring to the effect that this case has been continued until January, and that at that time the matter of investigating the jury panel would be given further consideration.

Very truly yours,

Director.

RECEIVED
NOV 6 1928
F. B. I.
DEPT. OF JUSTICE

2826

P. O. Box 153,
Oklahoma City, Oklahoma
November 8, 1928.



Mr. Gus T. Jones,
San Antonio, Texas.
Mr. E. J. Cochran,
Los Angeles, Calif.
Mr. Louis DeFette,
El Paso, Texas.

Re: Y. K. KALLS
Osage Indian Murder.

Gentlemen:

I am in receipt of a letter dated November 3, 1928, from the United States Attorney at Tulsa, Oklahoma, with reference to Agents E. W. Murphy, Alex Street, Frank Smith, John Krenz and Charles Davis appearing at Pawnee as witnesses in the case of United States vs. W. K. Kalls. The letter is quoted herewith and its explanation:

"As you perhaps know, the case of United States vs. W. K. Kalls, No. 2900, set for trial at Pawnee on November 12, 1928, has been continued until January 2, 1929.

The following Agents of your Department are witnesses in this case and under the process of the court, and as we are not definitely advised as to where they are now located, we ask that you advise them, by wire if necessary, that their attendance will not be necessary on November 12th, however they are under the order of the court to appear on January 2, 1929, without further process being served or further notice.

E. W. Murphy, Los Angeles, Calif.
Alex Street,
Frank Smith,
John Krenz,
Chas. Davis.

We shall appreciate this very much.

Yours very truly,

C. S. Brennan,
Special Agent in Charge.

62-5033-76
BUREAU OF INVESTIGATION

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W. K. Kalls
to
Frank Smith
11/9/28

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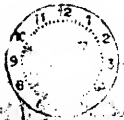
JOHN K. KREN
U.S. ATTORNEY
CHARLES F. COLE
LITTLE ROCK, ARK.

W. K. HALE CASE CONTINUED UNTIL JANUARY SECOND

HOOVER

[Handwritten mark]

cc



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Department of Justice
Bureau of Investigation

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P. O. Box 1535,
Oklahoma City, Oklahoma
December 3, 1928

CEB:R
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Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

62-5033

Dear Sir: Re: W. K. (BILL) HALE
Osage Indian Murder

DEC 6 1928

I am forwarding to the Bureau today report of Agent J. R. Burger in the above entitled matter.

Agent Burger prepared this report in the rough at Pawhuska and forwarded it to this office to be rewritten. It will be noted that the synopsis in this report includes about three and one-half pages, which is much longer than probably was necessary, but it was thought advisable to submit it as Agent Burger had prepared the report and is thoroughly familiar with all the facts. However, Agent Burger will be requested to make a less extensive synopsis in his future reports on this case.

Yours very truly,

C. E. Brennan
C. E. Brennan,
Special Agent in Charge.

62-5033-717

RECORDED

DEC 7 1928

[Handwritten signature]

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THIS CASE ORIGINATED AT - Oklahoma City, Oklahoma

REPORT MADE AT: Oklahoma City, Okla.	DATE WHEN MADE: 11-30-28	PERIOD FOR WHICH MADE: #10-25-28 to 11-24-28	REPORT MADE BY: J. R. Burger
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TITLE: W. J. Emery W. K. (Bill) Hale	CHARACTER OF CASE: Murder Osage Indians
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(O. C. File #70-1)

SYNOPSIS OF FACTS:

Case continued from Nov. 12th to Jan. 2nd, 1929. W. J. Emery, inmate Oklahoma State Penitentiary, McAlester, Okla., made signed statement to effect that he, Emery, lived in Kansas City, Mo., in 1921-23; that he knew Henry Grammer during that time, owing to Grammer being in the whiskey business and stopping at Emery's place; that in 1922 Grammer mentioned to him that he, Grammer, had a friend in Oklahoma who wanted a high powered job done there, and requested Emery to suggest some gunman to do this job; that Grammer mentioned this Emery on two occasions and on the third occasion brought W. K. (Bill) Hale with him, Grammer, to Emery's place at Kansas City and introduced him, Hale, to Emery and stated, "This is my friend from Oklahoma who wants the men to do the job"; that he, Emery, did put Hale and Grammer in touch on that occasion and on a subsequent occasion, when Hale and Grammer came again to see Emery in Kansas City, with a number of reputed gunmen. Emery stated that he personally introduced to Hale and Grammer at these times the following named notorious gunmen: Pat Bird (since deceased); Lee Currey, alias "Crawley" (since deceased); Walter Mosely; Frank Warner; Hog Jaw Thompson; and Jim Bradley, alias Tom Alexander, alias Tom Clark (now serving 50 years in Mo. State Prison at Jefferson City, Mo., for bank job with guns at Bucaner, Mo. Investigation discloses that Walter Mosely has left the country, whereabouts unknown; that the same is true of Hog Jaw Thompson and Frank Warner; that Jim Bradley is in penitentiary at Jefferson City, Mo., and refuses to make truthful statement. Emery further stated that finally Hale and Grammer approached him by asking if he ever did any high powered jobs and when he inquired of them what kind of a job, they informed him that it was "bumping a man off getting him out of the way". (Above mentioned signed statement with and of Oklahoma City files).

Ernest Burkhardt made signed statement in his own hand to effect that J. I. Howard, attorney for Hale, had been to see Duke Burkhardt at Greenville, Texas, about October 15, 1928, and had Duke Burkhardt go to McAlester, Okla., see Ernest Burkhardt in prison there and tell Ernest Burkhardt that if he, Ernest, would refuse to testify at all for the Government in this case, he, Howard would beat this case and would get Ernest out of the pen by February or March;

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>J. R. Brennan</i>	SPECIAL AGENT IN CHARGE	62-5033-718	RECORDED AND INDEXED DEC 1 1928
COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U.S. Atty. Okla. City 1-U.S. Atty. Tulsa 1-T. J. Leahy, Spec. Asst. Atty. Gen. 1-Edwin Brown		BUREAU OF INVESTIGATION	CHECKED COPY DEC 1 1928
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that Howard, had a cinch on getting Ernest Burkhardt out, if Ernest would refuse to testify for the Government. (Above mentioned signed statement with part of Oklahoma City files).

Frank Pock, inmate of Okla. State Penitentiary, McAlester, made signed statement to effect that he and J. I. Howard, attorney for defense, had secured a number of affidavits for the defense in this case; that since he, Pock, was sent to prison at McAlester this year, Howard had visited him there and had talked to Ernest Burkhardt in July this year and threaten Burkhardt that if he did not do as the defense wanted in the way of testifying in this case, he, Burkhardt, would be prosecuted for a murder and rape case, but that if he, Burkhardt, did as Howard asked, that is, make certain changes in his, Burkhardt's testimony, that would clear Hele in the Roan case and refuse to testify at all in the Bill Smith murder, he, Howard, would see that these charges of murder and rape were not prosecuted against him, Ernest Burkhardt; further, that he, Howard, would get Ernest Burkhardt a pardon. (Above mentioned signed statement with part of Okla. City file).

Buster Jarrett, inmate of Okla. State Penitentiary, McAlester, stated verbally that he was brought to Pawhuska as witness for defense; that Henry Cornett and J. I. Howard, attorney for defense, talked to him there and asked him to testify for Hele to the effect that he, Jarrett, saw Henry Roan drunk at Henry Cornett's place shortly before Roan's death, and he, Jarrett, saw Curley Johnson and Roy Bunch get Roan in his car between them in their cars after they left Cornett's that evening; further that he, Jarrett, saw Roy Bunch pay Curley Johnson some money at Fairfax that night; that he, Jarrett, told Cornett and Howard that none of this was true, but Howard and Henry Cornett stayed with him in his cell at Pawhuska for about two hours and finally he agreed to testify as they asked, provided Cornett would testify to same effect first at trial; that this proposed testimony by him, Jarrett, is all false; that Howard has been to see him at the Penitentiary several times since then and on each occasion reminds him, Jarrett, what he is to testify to.

James Bradley, alias Tom Clark, alias Tom Alexander, inmate of Missouri State Penitentiary at Jefferson City, Mo., was interviewed but proved to be a very bitter and hard boiled specimen and refused to make any statement implicating Bill Hale or throwing any light on this case.

Ervin (Blackie) Thompson, Government witness, stated that he was taken to Tulsa, Okla. by the defense to testify for defendant Hale in his hearing for bond, November 2nd, 1928; that while there J. I. Howard, attorney for defense, asked him, Thompson, privately if the statement by Hugh Washburn to effect that Hale had written notes to Thompson, while both were in jail at Pawhuska pending this trial, proposing that he, Hale, have Thompson furnished with a gun, with which Thompson was to effect his escape from said jail, and thereafter kidnap Ernest Burkhardt, chief Government witness, and take Burkhardt to Mexico and leave him there, was true; that he, Thompson, told Howard that said statement was the truth; that Hale did write such notes;

that Howard then asked him, Blackie, to swear to the contrary, and he, Blackie, declined; that Howard asked him, Blackie, if he would swear in "main trial" that Washburn's statement was false, and he, Blackie Thompson, evaded by telling Howard he would think it over.

W. J. (Bill) Revard, Fairfax, Okla., defense witness, made affidavit to effect that he at no time had stated to anyone that Roy Bunch had stated to him, Revard, that he, Bunch, would kill Henry Roan if Revard would go with him. Revard further stated that J. L. Howard and Bill Hale had prepared a statement in which Roy Bunch was implicated in the killing of Henry Roan, and had submitted this statement to him, Bill Revard, and sought to induce him to sign same, but that he, Revard, had refused to sign same for the reason that it was false. (Above mentioned affidavit withheld Oklahoma City file).

Rose R. Brown, formerly Rose Park, Tulsa, Okla., made affidavit to effect that she knows nothing at all, personally, in the Hale case and while she was confined in the County Jail at Pawhuska, Okla., at same time with Subject Hale, he visited her on three occasions in the woman's ward there. Above mentioned affidavit with and part of Oklahoma City file.

Ray Roy Smith, Burbank, Okla., made signed statement to effect that while attending Walton Inauguration at Oklahoma City early in January, 1923, he was in company with Subject Hale and Henry Grammer and heard Hale tell Grammer he, Hale, was ready for a man to do that Indian job and heard Grammer reply that he, Grammer, would send "John" to do it; that he, Ray Roy Smith, has never learned to his own knowledge, by anyone implicated (other than above named between Grammer and Hale) who really killed Henry Roan, or had it done. (Above mentioned statement with and part of Oklahoma City file).

The following for Bureau record: Ernest Burkhart states that he was last turned to the U.S. Marshal by the Governor of Oklahoma, to be used as a Government witness in this case, Dick Gregg, another important Government witness, informed him, Ernest Burkhart, that J. I. Howard, attorney for defense, had offered him, Dick Gregg, \$10,000.00 if he, Gregg, would get Ernest Burkhart and take him to Old Mexico, and neither Dick Gregg nor Ernest Burkhart be present to testify for the Government when Subject Hale's case was on trial; that Howard had stated further to Gregg that the Government Agents and attorneys would not keep their promises, and that Government witnesses were being bribed to testify against Hale by whiskey and expense money, and that most of them were convicts or ex-convicts.

Katt Williams, another Government witness, states that Carl Weaver, associate attorney in this case with J. I. Howard, for the defense, urged Katt Williams to make a false affidavit to the effect that Government Agents, while with Katt Williams, had spent as high as \$35.00 per day for whiskey, most of which they drank themselves, and further to the effect that one of the Govern-

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11-30-28

Frank attorneys had also furnished said Matt Williams money and whiskey, part of which whiskey the said Government attorney drank, and to the further effect that said Government agents associated with lewd and immoral women, all of which Matt Williams states was false, and known at the time to be false by said Carl Weaver.

Frank Pock states that he knows of his own personal knowledge that said J. I. Howard and Carl Weaver have within the past few months furnished money at different times to Dick Gregg, Government witness, and for no consideration other than to influence said Dick Gregg in his testimony in this case against W. K. Hale.

Bill McKee, Pawhuska, Okla., states that about October 1st, 1928, Dick Gregg, Harvey O. Brown and a number of others whom he did not know at that time, putting on a drunken party at the Willison Ranch near Pawhuska, Okla.

W. H. Brackett states that Dock Jennings informed him that Goldie Jennings, wife of Dock Jennings, took Dick Gregg and Harvey O. Brown, ex U.S. Deputy Marshal, from Pawhuska to said Willison Ranch, and that there they met J. I. Howard, attorney for W. K. Hale; that on this occasion said Harvey O. Brown had five \$1000.00 bills, which said Brown offered to Dick Gregg if he, Gregg, would get Ernest Burkhart and take him to old Mexico. Gregg, however, did not take Brown's offer.

John Gregg and A. W. Comstock state that they have evidence to prove a conspiracy on the part of the defense, including W. K. Hale personally, to kill Dick Gregg, and John Gregg, father of Dick Gregg, states he has evidence that the defense plans to kill at least one other Government witness.

PENDING

REFERENCE: Report of this Agent dated October 23, 1928.

DETAILS:

At McAlester, Oklahoma, on November 14, 1928, W. J. Emery made signed statement which reads as follows:

"I, W. J. Emery, hereby state the following to be the truth, and to which I will testify, if necessary.

I know Henry Grammer first in the fall of 1921. At that time I lived in Kansas City, Mo., and was running the Parkers I.X.L. Garage at 3028 West

Grammer used to run his car into this garage, leave it, and it would be loaded with whiskey or alcohol, which Grammer hauled back to Osage County, Oklahoma.

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In the year 1922 I saw Grammer frequently. He was coming to Kansas City getting whiskey for his business in Oklahoma.

Grammer and I got well acquainted, and in 1922 Grammer approached me and asked me if I knew any high powered men he could get to pull a job in Oklahoma. I told him I did, but joked him about what had become of the Oklahoma outlaws, and he said he did not want to deal with them on this job. Grammer told me to look some high powered men up and he would see me when he came back to Kansas City next time.

I did speak to John McGowan, who was then on the Police force at Kansas City, and he wanted to know if it was a bank, payroll, or what, and I told him I did not know. He said he would see some men - BUT nothing further was done in this case by us, McGowan and I.

I also saw Ross Richardson and mentioned this to him. He told me to talk to Lee Curry and Frank Warner at Bill Calloway's place, at 12th and Troost, I know Lee Curry as Crewy.

Grammer mentioned twice to me about wanting to get some highpowered men for a job in Oklahoma. The third time he mentioned it he introduced me to Bill Hale in my paint store, 42nd and Paseo, Kansas City, Mo. This was about September, 1922. Grammer and Hale came in a Cadillac Sedan. Grammer asked me what success I had had in getting any men and I told him we could go to 12th and Troost and meet the two men I had in view. Grammer then told me, in Hale's presence, "This is the man who wants to talk to them", indicating Hale. Hale asked me when we could see these men. I told him we could drive down there and get in touch with them, and Hale asked me if I knew these men and could guarantee them to stand hitched. I told Hale they were high powered gun men with bad reputations and that was what I understood he wanted, but I would not guarantee anything.

Hale and Grammer stayed at my place about an hour, and then about 5:30 P.M. we drove to 12th and Troost, Bill Calloway's place. At this place I asked Bill about these men, Crewy and Warner, and he said they were not there just then, but he would have them there after supper that night at 8:00 P.M. At 8:00 P.M. that night we met as agreed and went together into Bill Calloway's place, and he said the men were there and pointed them out to us. Calloway said we could talk to them in his back room. Hale, Grammer, Curry, Warner and I went into the back room and I told Curry and Warner that Hale and Grammer were the two men from Oklahoma who wanted to talk to them about a job down there. I then left the room and the other four men stayed in there for about thirty or forty minutes, and then came out together. I went to the car with Hale and Grammer and asked them what they thought of the two men, and Grammer said they had arranged for them to come down to Oklahoma and look the job over. Hale asked me if I thought they could be trusted to do what they agreed to do. I told Hale, Yes, I did think they would do what they agreed.

About two weeks later I saw Crewy and he told me that he had been to

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Oklahoma and looked the job over, but it did not look good to him, and there was not enough money in it. Grammer told me later these men were west and would not step. Grammer and I then went to Sollie Wiseman's trying to find some men to do the job, but found no one that looked good.

Later, about November 1st, 1922, Grammer and Hale again came to me, still looking for men to do the job. We all went to Sollie Wiseman's and I brought Hog Jaw Thompson out and introduced him to them. Thompson got in the back seat of their Cadillac and I went back into Sollie's place. This was at 13th and Wyandotte. In about an hour Thompson came in and told me Hale and Grammer were ready to go. I went out and Hale and Grammer and I left, Grammer telling me Thompson was coming down to Oklahoma to see about the job, and Hale joking about Thompson being big enough. Thompson was a big man. Later Thompson told me he had gone to Oklahoma, but had not made a deal; that he was not in that line, they wanted to knock somebody off, but that he had touched them up for \$100.00 "expense money".

The day after we talked to Thompson at Wiseman's, we, Hale, Grammer and I, also talked to Pat Bird at 48th and Trost, in the Pool Hall. I got Bird out and told him there were two men who had a job they wanted pulled in Oklahoma. Bird and I went to the car where I introduced him to Hale and Grammer, and then I again went away, so they could talk privately. In about thirty minutes Bird came and told me my men were ready to go and I went out. Grammer said Thompson and Bird were acquainted and he believed they could all get together. Hale remarked he liked Thompson's looks better than he did the little fellow, meaning Bird.

Later Bird told me he had been down to Oklahoma alone to see Hale and Grammer, but they would not pay money enough; that 'they wanted a whole regiment bumped off, and \$1000.00 a head was not enough'. I afterward saw Grammer and he said Bird and Thompson had been down but he did not believe they would work. I told Grammer Bird said they would not pay enough for what they wanted done.

This was about early in December, 1922, and Grammer asked me if I ever did any high powered work and wanted me to bring a load of whiskey to his place in Ceege County, Oklahoma, as soon after Christmas as possible.

I did go from Kansas City to Grammer's place about January 5, 1923, and found BILL HALE there. Hale and Grammer asked me if I had ever done that kind of a job, and I asked them what kind of a job, and they said, 'Putting a fellow out of the way', and I told him No, and they said for me to think it over and I told them I would. Grammer wanted me to make another trip to Kansas City and back right away to get some alcohol. I went back to Kansas City and returned to Grammer's place, about January 12th, 1923, and he told me to not bother any more about that job, as they had arranged with another fellow to do it.

The first time Grammer and Hale were to see me in Kansas City I also suggested Jim Bradley, whom I had known for about a year, might be a good man for

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their job. I drove out to 18th and Central and got Bradley and he and me back to 12th and Troost, where we met Hale and Grammer by appointment. I told Bradley these two Oklahoma men wanted to talk to him about pulling the job. When we got back to Hale and Grammer I went away and let them talk. Bradley told me that night that he would not have anything to do with the job. Grammer told me Bradley did not look good to him.

My former wife, now Mrs. Emily Smith, living with her sister, Mrs. Robert A. Nylander, about 812 Scheffer St., Kansas City, Mo., should have my garage register for 3028 Prospect, which shows Grammer being there in 1921, as I have stated. She should also have my ledger and cash book from that place, showing where Grammer gave me a check for \$10.00 for car storage and service.

The cash book and ledger of my paint shop at 42nd and Paseo should show receipt by me of a check for \$50.00 from Grammer in 1922. Mr. Sheekin owns that property and these books were left in his care in my desk at that place in his basement, also my duplicate deposit slips.

I have read the above and foregoing statement, of six pages, and the same is true and correct.

(Signed) W. J. Emery.

Witnessed:

J. R. Burger,

T. F. Weiss.

Investigation at Kansas City, Mo., develops that Mrs. Emily Smith, now living at 1905 Kensington, Kansas City, Mo., states she recalls the books Emery mentioned, but that she has no idea what has become of them after these seven years; that she had no idea they would be of any use, but if she can locate them she will be glad to inform Agent.

H. Sheekin, 4135 Paseo, Kansas City, Mo., states that he remembers clearly Emery leaving books mentioned, but that they were left in an old desk, apparently of no value, and thrown away years ago, as he, Sheekin, had no information that they were of any use any more.

Jim Bradley, alias Tom Clark, alias Tom Alexander's record at County Jail, Kansas City, Mo., shows that he was committed there January 18, 1922, and released to Sheriff, Johnson County, Mo., for murder charge, September 3, 1922. Investigation at Kansas City also develops that Pat Bird is now dead; that Lee Currey, alias Currey, is also deceased; that Walter Mosely and Frank Warner have not been heard of for several years and that the same is true of Hog Jaw Thompson, though all of them were found to have been in Kansas City at the time Emery mentioned.

Note: W. J. Emery, himself, has been confined in the Oklahoma State Prison for the past four years, for pay roll robbery, sentence of thirty years, which was account for his lack of knowledge of the whereabouts of some of the mentioned.

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At Jefferson City, Mo., Jim Bradley, alias Tom Clark, alias Tom Klatt, was questioned at the Missouri State Prison, where he is serving a term of thirty years for bank robbery, being his second term in that prison, besides a term in the Oklahoma State Prison. Bradley was very antagonistic and hard boiled. He stated at first interview that he was in Kansas City in fall of 1922 and spring of 1923. At second interview he declared he was released from jail in Kansas City about December 20th, 1922 and re-arrested May 4th, 1923. He stated it would not do him any good to testify against anybody; that he had already done too much of that and finally got out and denied having any knowledge whatever of what Emery was talking about. From his statement that he contradicted himself and contradicted the records at the County Jail, it appears that he would make, at the very best, a very unwilling witness for the Government.

Ernest Burkhart made signed statement reading as follows:

"On or about October 15th Duke Burkhart, my brother, came to McAlester, Oklahoma to see me and said that J. I. Howard sent him there to talk to me in regard to what he wanted me to testify to, or to get me not to testify at all. And if I would agree not to testify that he would get me out of the pen February or March. And if he didn't by that time he would guarantee he would in less than two years. And he would get any attorney in the state that I wanted and it would not cost me anything and that he, Howard, would come and see me if I would send for him. But he could not come unless I would send for him. He also said if I would not testify that he could beat the case and then he would get me out at once; that he had a cinch on getting me out.

He said that my attorney had not done anything for me and did not aim to do anything and besides he could not do anything; that the Governor had told J. I. Howard that he would not do anything for me as long as he was governor and said he, Howard, had rather have a negro to represent him than to have Flint Moss. Said that Moss was like the Government; first make promise but would not do anything they said they would; that the Government had promised to help several and when they got through with them that was the last of the Government; that was the way I would be treated when this case was over, and I would find it out.

(Signed) Ernest Burkhart."

Frank Fock made affidavit reading as follows:

"State of Oklahoma,) SS McAlester, Oklahoma, Oct. 30, 1923.
Pittsburgh County)

Personally appeared before me, the undersigned authority, this 30th day of October, 1923, Frank Fock, who being first duly sworn, deposes and states as follows:

On or about the latter part of November, 1926, J. I. Howard, then of Oklahoma City, came to me at Shidler, Oklahoma, where I was employed by the Dave Mardock Motor Company and stated to me that he was in desperate

12. need of some real assistance for getting evidence to corroborate the con-
 13. fession made by John Ramsey immediately after the conviction of John Ramsey
 14. and W. K. Hale at Oklahoma City some few days previously, in the case where
 15. they were tried for the murder of Henry Roan. Howard, at that time attorney
 16. for W. K. Hale, gave me a copy of the said confession John Ramsey made, which
 17. confession had been made by John Ramsey and was the second confession Ramsey
 18. had made in this case, Ramsey having made a confession to the Federal author-
 19. ities previous to said trial, and this second confession being after said
 20. trial, and differing materially from the first confession mentioned above.

21. To make this clear will state that John Ramsey made four confessions in this
 22. case; the first being to the Government before the trial at Oklahoma City
 23. in November, 1926; the second being immediately after the said trial and
 24. resulted in the conviction of Ramsey and Hale; the third being made at
 25. Leavenworth Prison by Ramsey, after he was taken there to serve his sentence,
 26. and the fourth being made some time early in 1928, in January, I believe.

27. The second confession is the one Howard gave me a copy of in the latter part
 28. of November, 1926. This confession stating Gurley Johnson was the man who
 29. actually murdered Henry Roan. Howard informed me he was in desperate need
 30. of someone to get affidavits supporting and corroborating this second con-
 31. fession. Howard gave me a list of names of persons whom he wanted me to see
 32. and secure these affidavits from. At this time I can recall some of the
 33. names Howard thus gave me as follows: Ben Hopkins, Bartlesville; Charley
 34. Wilson, Seminole; John Million, now at Blackwell; Ray Roy Smith, Burbank,
 35. Okla.; Carl Rowe and his brother, south of Henry Cornett's place in Cessna
 36. County, Okla.; Bozarth, Fairfax, Okla.; Bill Lucas, Fairfax,
 37. Okla.; and a number of others whose names I do not at this time recall.

38. Howard at that time instructed me that he did not want anything but the
 39. truth, but gave me to understand that my business was to get these affidavits
 40. to fit said confession, and if they were not truthful I was not to inform
 41. him of that fact, and if the persons' statements did not support this con-
 42. fession, I was to not take any affidavit from that person. Some of the per-
 43. sons I interviewed did not make statements fitting the confession, and I took
 44. no affidavits from them. Others I had to see several times until they finally
 45. made statements that fitted the confession. Then I would make notes, see
 46. Howard, who would have the affidavits typewritten and prepared for the person
 47. to sign, then I would either send the person in to Howard's office at Pawlaska
 48. (Hamilton's office) to sign, or take the affidavit with me and have it signed
 49. before a Notary Public and return it to Howard. I also questioned other per-
 50. sons whom Howard had not named, and, whenever possible, got affidavits from
 51. them to fit the confession. In all I think I got about 25 affidavits in this
 52. manner. The plain truth of it is that while I never asked anyone to state an
 53. untruth, I did give them to understand what I wanted them to state, and if
 54. they stated it that way, took an affidavit from them.

55. Howard also took a number of affidavits personally. He got a statement from
 56. _____

Dick Gregg a few days before Dick Gregg broke jail at Pawhuska, and also conferred with Dick Gregg several times after Dick Gregg broke jail at Pawhuska, I being present at one conference of this kind between Howard and Dick Gregg at Willison's Ranch, northeast of Pawhuska, where Dick was staying at the time. I did not hear the conversation between Dick Gregg and Howard, but Howard later told me Dick was to stay hid and not appear for the prosecution, and after the trial Howard was to help Dick by preventing him being taken back to Kansas to serve his time in Lansing Prison in Kansas. I made a copy and gave Dick Gregg \$50.00 that Howard gave me for that purpose. Carl Weaver also told me of him giving Dick Gregg money in this way on two occasions.

After getting these affidavits Howard and I conferred and talked the case over a number of times and decided this second confession by Ramsey would not do; would not hold water and that Ramsey should be induced to make a better one. Howard said he would see Hale about this as I could not get to Ramsey, myself, and have him do it. Howard and I agreed upon what lines the Third Confession by Ramsey would have to run, and later Howard showed me a copy of a Third Confession by Ramsey, made by Ramsey while in Leavenworth Prison. This Third Confession was along the lines Howard and I had agreed upon, and was the most favorable to Hale's interest of any Ramsey had thus far made.

After receiving this Third Confession, Carl Weaver took Matt Williams, a Government witness, on a long tour, including Denver, Colorado Springs, etc., and when he returned Weaver told me he had secured from Matt Williams an affidavit, which I have read, wherein Matt Williams stated that all the evidence he had given against Hale and Ramsey was false, and that he, Williams, had been persuaded by Government Agents to give this false evidence against Hale and Ramsey by said Agents getting him, Williams, drunk, showing him a good time, etc.

I was lodged in Oklahoma State Penitentiary at McAlester, Okla., April 1st, 1928, and Howard saw me quite often after that. Ernest Burkhart was in prison when I arrived. Howard brought me three typewritten pages of Burkhart's testimony in the Roan case and had me make pencil notations of the changes Burkhart was to make in case he testified for the prosecution this time against Hale. These changes were calculated to clear Hale, and I was instructed to talk to Burkhart and tell him of the evidence against him in the John Thomas Murder and the Mamie Fletcher Rape cases, and tell him these cases would be pushed against him if he testified against Hale, but not if he did as requested. Howard gave me this Transcript Record in July (1928) and I saw and talked to Burkhart, and he agreed to do as Howard had outlined. Ernest Burkhart was given these three pages of his testimony, as far as I know, should have it now with the proposed changes thereon. I has agreed with me, at Howard's request, to follow his attorney's directions whether he is to testify or skip out of the country, and further has agreed that after the Roan trial is over, if Hale is tried on the Bill Smith case, Ernest Burkhart, already having taken care of himself in that case, will refuse to testify at all for the prosecution. Howard has assured Ernest

Burkhart, through me, that he, Howard, will get Ernest a pardon. I firmly believe Ernest Burkhart is intending at this time to follow this program, as he agreed with me he would a few days before he was taken out of here the last time.

Of all the affidavits I secured at Howard's direction I am convinced that not one states the truth in the material facts of this case.

John Ramsey made a fourth confession early this year. Howard gave me a copy of this. I do not know who procured it from Ramsey but, surprise it was J. I. Williamson, an attorney at Kansas City, employed by Hale, as Carl Weaver told me Williamson had done the fixing to have this case reversed by the U.S. Circuit Court. I have read the above and foregoing statement, consists of one page, and the same is true and correct.

(Signed) Frank Cook.

Witnessed:
W. H. Brackett
T. F. Weiss
J. R. Burger "

Buster Jarrett, serving sentence for bank robbery in Oklahoma State Penitentiary at McAlester, Okla., and who was subpoenaed by defense for Hale trial in Dean murder case, voluntarily stated that while being held in jail at Puchaska, Okla. as witness for Hale, Henry Cornett, also defense witness, being held in jail at same time on bank robbery charge, asked Buster Jarrett to testify for Hale falsely to effect that he, Buster Jarrett, was present at Henry Cornett's house in Osage County, Oklahoma, late in January, 1922, and saw Henry Roan come there drunk; that he, Buster, saw at Cornett's at that time the Rowe brothers, who live south of Cornett's place, and also Roy Roy Smith, Curley Johnson, and Roy Bunch there at that time; also that he, Buster, was to further falsely swear for Hale that he, Buster, saw Henry Roan leave and go out the north way from Cornett's; that he also saw Roy Bunch get in front of Henry Roan by leaving Cornett's by the south way, and that he saw Curley Johnson get in behind Henry Roan by following Roan, so that Bunch and Curley Johnson had Roan and his car between them in their cars. Buster Jarrett stated further that he told Cornett this was not true and that later Henry Cornett and J. I. Howard, Hale's attorney, came together into Buster's cell and stayed an hour and a half or two hours, persuading him to testify to above in Hale's trial, and to testify further that he, Buster, was in Fairfax, Okla., that same night and saw Roy Bunch pay Curley Johnson some money for killing Henry Roan.

Buster Jarrett stated that he finally promised to testify as Cornett and Howard had asked, though he told them both that this proposed testimony was untrue, as he knew nothing at all of what they asked him to testify to, and that Cornett would have to testify first in the trial, as he, Buster, was afraid Cornett might not testify the same as he asked Buster to testify, and he, Buster, might get in trouble by perjuring himself in U.S. Court. Buster Jarrett states that J. I. Howard has been to see him since he, Buster, has been returned to prison because case was continued.

and is still asking him to testify falsely as stated; that Howard told Buster he would snatch him out of prison if he, Buster, will testify as they ask.

15
16 Ervin (Blackie) Thompson, Government witness, was subpoenaed by Hale to Tulsa, Okla., Nov. 2nd, 1928, at Hale's hearing on application to be allowed bail, but was not out on stand. Upon interview afterwards Thompson stated that when he arrived at the prison said date, J. I. Howard, Hale's attorney, asked him, Thompson, if the statement by Hugh Washburn to effect that Hale had written notes to Thompson in the County Jail, while Hale and Thompson and Washburn were being held there pending the Hale trial, and to further effect that in said notes Hale had proposed to Thompson that he, Hale, would have Thompson furnished with a gun and Thompson was to then stick up the jailer and lock the jailer and others up, effect his escape, kidnap Ernest Burkhardt, principal Government witness, and take him to Old Mexico, and keep Burkhardt from being present to testify for Government against Hale in the Roan Murder case, was true. Thompson stated that he asked Howard, "Do you want the truth?" and Howard answered "Yes" and Thompson then told Howard, "What Washburn stated was true"; that Howard then asked Thompson if he would not take the stand and contradict Washburn's testimony, to which Thompson states he evaded, answering Howard that he, Thompson, would think it over.

32 W. J. (Bill) Revard, defense witness, made voluntary affidavit, which reads as follows:

"AFFIDAVIT OF BILL REVARD."

33
34 State of Oklahoma) ss
35 Osage County)

36 Bill Revard, of lawful age, being first duly sworn, deposes and says as follows:

37
38 That the following in quotation is a story concerning me and statements made by me regarding Roy Bunch and Henry Roan, which story is:

39 "That he run around with Roy Bunch and Mary Roan for 2 years before Roan was killed; that they were frequently on drunken parties together; that he has seen Bunch at Roan's house on an average of 2 or 3 times a week for 1 year before Roan's death, and would occupy same room with Mary and Roan was jealous of Bunch; that one time, him, Revard, and Roy Cook went to Roan's when Roan was away and Bunch found out about it and cussed Revard and threatened to shoot Revard; this was about one year before Roan was killed. Another time Revard and Roan started to Burbank and Roy Bunch said to Revard that if he, Revard, would go with him, Bunch, he would go and kill Roan."

40 That I hereby deny above story or statements; that I never made such statements or told any such story at any time; that none of it or any part of it is true.

Signed: W. J. Revard.

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42 Subscribed and sworn to before me this 25th day of October, 1928.
43 D. E. Foley - Notary Public.

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W. J. Revard further stated that J. I. Howard and W. K. Hale had prepared a statement embodying, in substance, the statements contained in quotation marks above, and had asked him, Revard, to sign and swear to same as being true; that he, Revard, informed Hale and Howard that said statement was false and he, Revard, refused to sign it.

Mrs. Rose R. Brown, formerly Rose Park, Tulsa, Oklahoma, made sworn statement as follows:

"STATEMENT"

Mrs. Rose Brown, formerly Rose Park, says that she knows absolutely nothing of the W. K. Hale murder case except what she has read in the papers. That she never had met Mr. Hale until some time in August of this year. He was then a prisoner and being held in the Osage County jail. On one occasion in the above mentioned jail the jailer called downstairs and had Mr. Hale bring up the key to the woman's department of the jail. On the next occasion she said he brought a pound of coffee up to the woman's department of the jail. On the third and last time she saw him, he came to the woman's department of the jail with William Revard, at which time he stayed ten or fifteen minutes. That he never at any time mentioned his case to her in any particular.

Signed: Rose R. Brown"

Note: This corroborates Hugh Washburn's statement that Hale visited this woman in the woman's ward, Hale, telling Washburn at the time that he, Hale, expected this woman to be a witness for him, Hale.

Ray Roy Smith, Burbank, Oklahoma, made signed statement which reads as follows:

"Pawhuska, Okla., Nov. 11, 1923.

I, Ray Roy Smith, of Burbank, Okla., hereby make the following voluntary statement regarding the death of Henry Roan, Osage Indian, in 1923.

A few days, I should say three to six days, before Henry Roan's body was found in the Sol Smith pasture, I met Henry Roan driving south toward Fairfax in the old Bill Carroll pasture, southwest of Burbank, Okla. About the same time I saw Roy Bunch going east toward the road Roan was going south on. I judged they would meet about where these two roads crossed. This was about an hour or two before sundown. The weather was chilly and the roads slippery from freezing. This was in January or early in February, 1923.

The next day, or the second next day, I went to Henry Cornett's to get a disc harrow and found Curley Johnson, Henry Cornett, Bill Lucas, and another man or two at Cornett's. Curley Johnson pulled a big roll of bills, current, out of his pocket, and asked me why I did not take the money

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easy, and not dig it out of the ground. He said he made that easy and would make more easy, but did not say how he made it. He never did tell me how he made it. I never heard Curley Johnson tell Henry Cornett he had killed Henry Roan, or words to that effect.

I made Frank Smith, of the Federal Department, a statement, which he wrote down, but I do not remember whether I signed it or not.

I was subpoenaed in the W. K. Hale trial at Guthrie by both the Government and W. K. Hale, but neither used me. I was also subpoenaed in the trial at Oklahoma City, but not used, and am now subpoenaed by the defense here at Pawhuska.

I have made no written statement to anyone, except possibly Frank Smith, and have never testified in this case at any time.

In January, 1923, while at Oklahoma City, attending the Jack Walton Inauguration, I saw W. K. Hale and Henry Grammer walking together just north of the Huckins Hotel and as I walked behind them I heard Hale say to Grammer, 'I am ready for a good man', and Grammer said 'What?', and Hale said, 'For that Indian deal', and Grammer said 'All right, I'll send John'. There was more talk between them but I did not get it all.

I have never learned of my own knowledge by anyone implicated who really killed Henry Roan, or had it done.

(Signed) R. R. Smith.

Witnessed:

T. F. Weiss,

W. H. Brackett,

John Gregg.

R. R. Smith was extremely reluctant about making this statement. He objected to putting in this statement some things he told, namely, that he had told George Freas and others that he, Smith, had been in a room with Henry Grammer and Bill Hale at the Huckins Hotel, Oklahoma City, during the Walton Inauguration in 1923 and that he and Hale and Grammer were drinking; that he, Smith, lay on the bed and heard Hale tell Grammer he had Roan insured for \$25,000.00 and did not know how he was going to get his money out of the Indian and Grammer replied that he, Grammer, would send a man who would bump Roan off. R. R. Smith admitted telling Freas this, but claimed it was really stronger than the facts, and that Henry Cornett had persuaded him to make this statement to Freas. R. R. Smith stated, however, that he knew of no reason why Cornett wanted him to make this statement so strong.

R. R. Smith stated also that he got drunk at a roadhouse north of Oklahoma City and made a statement to the effect that he saw Henry Roan, Curley Johnson and Henry Cornett together near where Roan's body was found and almost saw Curley Johnson and Henry Cornett kill him. Ray Smith stated this was untrue statement by him about seeing Cornett, Johnson and Roan together, etc.

Ray Smith also stated that Roy St. Lewis took a book from him in which

had written some things about the Roan murder, but Ray Smith refused to tell what he had written in this book.

John Gregg informed agent that the book referred to was a notebook that Ray Smith at one time claimed to have made notes in while hiding under Gregg's bed in Gurrie and listening to John Gregg and another man talk. John Gregg states he took Ray Smith and the book to the Federal men and Ray Smith admitted the notes in the book were untrue and that he did not hear John Gregg or anyone make the statements as shown in the book. John Gregg states Frank Smith took the book from Ray Smith and kept it.

Agent knew in 1924 that Ray Smith had stated he had heard the conversation in the hotel room at Huckins Hotel between Cramer and Hale to the effect that Cramer was to furnish Hale a man to bump Roan off so Hale could get the \$25,000.00 and effect that R. R. Smith had heard this while attending the inauguration in 1923 at Oklahoma City. R. R. Smith admitted today that he had made that statement in 1924 and could only explain it by - "Henry Cornett got me to make it stronger than it was. I don't know why he did this. The talk I heard between Hale and Cramer was when I was walking behind them on the street, just north of the Huckins Hotel, toward the Rock Island Depot. I have never told that before today, but that is when I heard Hale tell Cramer he, Hale, was ready for a good man for that Indian deal, and Cramer said, 'All right, I'll send John'. They talked some more about it, but I did not hear it all."

When asked if he, R. R. Smith, believes they were talking about John Rammor killing Henry Roan for Hale, R. R. Smith stated he does believe that was what they were talking about.

R. R. Smith is known also as Ray Smith and as Roy Smith. He seems to have no regard for the truth one way or the other and would make a very poor witness for either side upon cross-examination.

Ernest Burkhardt states that the day he was last turned over to the U. S. Marshal by the Governor of Oklahoma, to be used as a Government witness in this case, in September, 1928, Dick Gregg, another Government witness, informed him, Burkhardt, that J. I. Howard, Hale's attorney, had offered him, Dick Gregg, \$10,000.00 if he, Gregg, would get Ernest Burkhardt and take him to Old Mexico, and neither Dick Gregg nor Burkhardt be present to testify for the Government when Subject Hale's case was on trial; that Howard had stated further to Gregg that the Government agents and attorneys would not keep their promises and that Government witnesses were being bribed by the Government to testify against Hale by whiskey and expense money, and that most of them were convicts or ex-convicts.

Ernest Burkhardt also states that while in the Oklahoma Penitentiary last summer Frank Pock, closely associated with J. I. Howard, attorney, had a number of talks with Burkhardt, in which Pock informed Burkhardt that he, Pock, was working for Howard and that Howard wanted Burkhardt to change his testimony in the Hale case of the Roan murder, and that Howard had furnished Pock, for Burkhardt's guidance, notes showing how to change his testimony. Burkhardt states that in his testimony, these changes

... as to clear Hale in the case; that Pock had Burkhart read the...
... changes they wanted Burkhart to make in his testimony and furnished
... transcript of his, Burkhart's, testimony in the former trial of this case,
... Burkhart that this was so Burkhart could prepare himself so as to
... testify in accordance with the changes they proposed. Ernest Burkhart has turned this
... transcript furnished to him by Pock to T. J. Leahy, Special Assistant Attorney General
... in this case. This corroborates Pock's statement. Burkhart states further that
... Pock also proposed, for Howard and Hale, that Ernest escape while out as Government
... witness and flee to Old Mexico, promising Burkhart that as soon as the case was over,
... would procure a pardon for Burkhart and arrange so he, Burkhart, could return
... country.

40 Matt Williams, Government witness, states that Carl Weaver, associate at-
... tney with J. I. Howard for defense, some six weeks ago urged Matt Williams to write
... affidavit to the effect that Government Agents, while with Matt Williams, were
... as high as \$35.00 per day for whiskey and drank most of it themselves; to the
... effect that one of the Government attorneys had furnished Matt Williams whiskey
... part of which whiskey the said Government attorney drank himself, and to the
... effect that said Government Agents associated with low and immoral women, all
... which said Carl Weaver knew at the time to be false.

45 Frank Pock states that he knows of his personal knowledge that said J. I.
... Howard and Carl Weaver have, within the past six months, furnished money at different
... times to Dick Gregg, important Government witness, in order to influence said Gregg
... testify favorably for the defense. (For full details, see Frank Pock's signed
... statement.)

50 Bill McKee, Pawhuska, Oklahoma, states that about October 1st, 1928, he saw
... Dick Gregg, Harvey O. Brown, an ex-deputy U.S. Marshal, and a number of others first
... at that time did not know, putting on a drunken party at the Willison Ranch near
... Pawhuska, Oklahoma. This ranch is reputed to be a notorious whiskey joint.

55 W. H. Brackett states that one Dock Jennings informed him that Goldie
... Jennings, wife of said Dock Jennings, took Dick Gregg and Harvey O. Brown
... McKee to said Willison's ranch and that there they met J. I. Howard, attorney for W. H.
... Hale; that on this occasion H. O. Brown had five \$1000.00 bills, which said money
... said Brown offered to Dick Gregg if he, Gregg, would get Ernest Burkhart and take him
... to Old Mexico; that Gregg, however, did not take the money; that Brown became frigate-
... ed that Dick Gregg might hi-jack him and take this \$5000.00, and he, Brown, hid the
... money.

60 John Gregg, father of Dick Gregg, and A. W. Comstock state they have evi-
... dence to prove a conspiracy on the part of the defense, including W. H. Hale, propos-
... ed to kill Dick Gregg. John Gregg states further that he has evidence that the
... defense plan to kill at least one other Government witness. John Gregg and A. W.
... Comstock state they fear a frameup to get Dick Gregg out of the way and Dick Gregg
... has been indisposed for interviewing for the past several weeks. However, they are
... satisfied by Comstock and John Gregg that they are in touch with Dick Gregg and that he
... has not abandoned the prosecution in this case.

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HHC:JG
62-5033-718

December 11, 1928.

DEC 13 1928

MEMORANDUM FOR MR. LORRING,
Assistant Attorney General.

With further reference to the case entitled: - W. E. (BILL) HALE, Murder of Osage Indians, there is transmitted herewith, for your information, a copy of the report of Special Agent J. E. Burger, dated November 30, 1928, at Oklahoma City, Oklahoma.

Very truly yours,

Enc-#110266

Director.

RECEIVED
DEC 11 1928
P. M.
DEPT. OF JUSTICE

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REC-11
62-503

December 8, 1928

Mr. C. E. Brennan,
P. O. Box 1535,
Oklahoma City, Okla.

Dear Sir:-

As the result of the investigation and previous trial of the case entitled: - W. K. [BILL] HALE - Murder of Osage Indian, it appears that your office conducted an investigation of certain charges of perjury brought against J. L. Casperis, Walter Emsey, Henry Cornett et al, J. M. Springer, Joe Bosarth, Amos Tucker, and C. C. Haddabaugh, (your files 74-15 to 74-21 inclusive). It appears that on July 27, 1928, reports were submitted by your office closing each of the above cases following a conference with the U. S. Attorney at Oklahoma City, who stated that no further investigation was required, and that the Bureau might close these cases.

It is believed to be advisable that these matters be carried as pending in your files until a decision has been reached as to whether or not prosecution will be undertaken. In accordance with Bureau regulations, as set forth in the Manual, it would appear appropriate that these cases be carried in your Monthly Administrative Report, properly designated as cases in which all investigative activity has been completed. As a matter of convenience, if you should so desire, you might consolidate your files relating to the above matters and submit a report setting forth the names of all the subjects in the title and showing that the consolidation has been made.

You are requested to reopen these cases and at the proper time again call them to the attention of the U. S. Attorney for a decision as to whether or not the subjects will be prosecuted. These cases should remain pending until they may be properly closed in accordance with Bureau regulations.

Very truly yours,

BY ORDER

Director.

DEC 8 1928

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